

## REMARKS

The last Office Action of November 29, 2007 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-3, 5-6, 8-14, 16, 17 are pending in the application. Claims 9, 11, 16 have been withdrawn from further consideration. Claims 1, 8 and 13 have been amended. Claim 18 has been added to set forth the subject matter of previously presented claim 8 which has now been rewritten in independent form. No amendment to the specification has been made. No fee is due.

Claims 1, 2, 5-6, 10, 12-14, 17 stand rejected under 35 U.S.C. §102(b) as being anticipated by Offringa et al., of record.

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Worley et al., of record.

Claims 1-3, 10, 12-14, 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Worley in view of Offringa et al.

It is noted with appreciation that claim 8 is indicated allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claim 8 has now been rewritten in independent form to include only the subject matter of previously presented claim 8, i.e. a combination of previously presented claims 1, 3, 8. Accordingly, applicant asserts that claim 8 has not been narrowed to trigger prosecution history estoppel. See *Salazar v. Procter & Gamble Co.*, 75 USPQ2d, 1369 (stating that introducing claim 7 based on the allowable subject matter of dependent claim 3 of the "149 application was not a narrowing amendment for purposes of patentability and, therefore, does not by itself give rise to prosecution history estoppel).

Applicant has amended claims 1 and 13 to set forth the direct attachment of the magnets to the first carrier of non-magnetic material. As a result, the first carrier of non-magnetic material is arranged adjacent an air gap between the air

gap and permanent magnets. The magnets are thus embraced by an amagnetic component.

Offringa et al. disclose a permanent magnet rotor having magnets which are embraced by a screen (18) of electrically highly conducting material which in turn is surrounded by a sleeve (20) which is made of fiber reinforced polymer material. Thus, the non-magnetic sleeve (20) is positioned between the highly conducting screen (18) and the air gap formed between the rotor and surrounding stator. As a consequence, the magnets are embraced by an electrically highly conducting component. The Examiner appears to recognize the distinction between Offringa et al. and the present invention, but bridges the absence of teaching by submitting that the "magnets 4 are attached **indirectly** to a side of the first carrier". It is applicant's contention that the amendment to claims 1 and 13 clearly distinguishes these claims from the Offringa et al. disclosure.

The same argumentation applies to Worley et al. which describe a line start permanent magnet motor having a rotor with a plurality of permanent magnets (30, 32) which are surrounded by a thin hollow cylinder (36) made of a good electrical conductor to thereby hold the magnets against the body (18) (cf. paragraph [0021]).

For the reasons set forth above, it is applicant's contention that neither Worley nor Offringa, nor a combination thereof teaches or suggests the features of the present invention, as recited in claims 1 and 13.

As for the rejection of the retained dependent claims, these claims depend on claims 1 and 13, share their presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Applicant believes that when reconsidering the claims in the light of the above comments, the Examiner will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

None of the references discloses the combination of a first carrier of non-magnetic material having attached thereon magnets and arranged adjacent an air gap.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: \_\_\_\_\_

  
Henry M. Feiereisen  
Agent For Applicant  
Reg. No: 31,084

Date: February 27, 2008  
350 Fifth Avenue  
Suite 4714  
New York, N.Y. 10118  
(212)244-5500  
HMF:be